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FM AMEMBASSY YEREVAN
TO RUEHC/SECSTATE WASHDC 9557
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHFRS/AMCONSUL STRASBOURG 0014
RUEHLMC/MILLENNIUM CHALLENGE CORPORATION WASHINGTON DC

C O N F I D E N T I A L YEREVAN 000696

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E.O. 12958: DECL: 09/30/2019
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SUBJECT: ARMENIA'S PARLIAMENT STRIPS SEATS OF OPPOSITION MPS

Classified By: AMB Marie L. Yovanovitch, reasons 1.4 (b,d).

11. (SBU) On September 17, Hovik Abrahamian, Speaker of Armenia's National Assembly (parliament), stripped the parliamentary seats of opposition MPs Hakob Hakobian, Miasnik Malkhasian, and Sasun Mikaelian, invoking a clause in Armenia's constitution that MPs shall automatically lose their seats if they are sentenced to imprisonment.⁸ All three received prison sentences in late June, after being kept in detention over 15 months on charges of attempting to stage a coup and organizing mass disorders. Authorities arrested the MPs in early March 2008, several days after then-President Robert Kocharian imposed a state of emergency in response to violent post-election clashes between opposition protesters and security forces that resulted in the deaths of eight civilians and two policemen. The MPs' high-profile arrest -- being led into parliament in chains -- came after they had publicly sided with presidential candidate Levon Ter-Petrossian (Armenia's first president) in his dispute of the February 2008 presidential election results.

12. (SBU) Two of the MPs -- Hakobian and Malkhasian -- were amnestied and released on June 22, 2009 after the parliament approved an amnesty proposed by President Serzh Sargsian which applied to some of the opposition supporters jailed after the post-election violence. But the celebrated Nagorno-Karabakh war veteran MP Sasun Mikaelian was not amnestied, due to the length of his sentence and the articles under which he was charged. The Central Electoral Commission subsequently called for new elections in Hakobian's and Mikaelian's single-mandate districts. Meanwhile, the CEC gave Malkhasian's proportional representation seat to the Republican Party of Armenia candidate next on the list of the RPA's party list. The elections for the two vacated seats will be held December 6.

13. (C) According to media reports, Hakobian intends to run in the December 6 election to regain his seat. Local media has also has reported that the independent candidate Koryun Nahapetian intends to contest Hakobian's vacated seat. Nahapetian is reportedly an in-law of the notorious Armenian oligarch, Samvel Aleksanian, aka "Lfik Samo," a perennial vote falsifier and ally of the authorities. Notably, Hakobian's seat is located in the equally notorious Malatia-Sebastia district in Yerevan, long considered to be Aleksanian's personal fiefdom. It was this district that witnessed widespread intimidation, fraud, and vote count irregularities in the May 31 mayoral election in Yerevan. Approximately all five of those convicted for fraud following the election were subsequently -- and quickly -- released based on the terms of the amnesty. In contrast, an election observer from a prominent human rights NGO remains in jail, three months after his arrest for allegedly assaulting a police officer; the arrest followed the activist's filing of a complaint alleging vote fraud in Malatia-Sebastia.

14. (C) COMMENT: The authorities' stripping of seats from the pro-opposition MPs was long expected. The arrests of

Hakobian and Mikaelian were widely interpreted at the time as a punitive measure taken by the authorities to make an example of them; until siding with Ter-Petrossian after the disputed presidential election, both MPs were members of the ruling Republican Party of Armenia led by the eventual winner, Serzh Sargsian. Parliament could not strip the seats until the MPs were convicted -- a process delayed by the lengthy detention and show trial of the MPs, which eventually ended soon after the parliament approved the president's proposed amnesty on June 19. Parliament then entered its summer recess, and reconvened only on September 15, which is when the Speaker proceeded to strip the MPs of their seats. The December 6 by-election provides yet another opportunity for the authorities to show improvement on democratization. Under the circumstances, however, there seems little likelihood that the by-election will be much different from the long series of dubious polls we have seen in Armenia since its independence.

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